

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC., )  
                                  )  
Plaintiff,                   ) C. A. No. 05-486 (GMS)  
                                  )  
v.                             ) **JURY TRIAL DEMANDED**  
                                  )  
THE TORO COMPANY,           ) **PUBLIC VERSION**  
                                  )  
Defendant.                   )

**APPENDIX TO TORO'S MOTIONS IN LIMINE 1-5**

OF COUNSEL:

Earl D. Reiland  
Anthony R. Zeuli  
Thomas R. Johnson  
Thomas J. Leach  
MERCHANT & GOULD P.C.  
3200 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402  
Tel: (612) 332-5300

Richard L. Horwitz  
David E. Moore  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, Delaware 19899-0951  
(302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)

*Attorneys for Defendant  
The Toro Company*

Dated: April 9, 2007  
Public Version Dated: April 17, 2007  
789624 / 29362

**TABLE OF CONTENTS****TAB**

Plaintiff's Objections and Answers to Defendant's First Set of Interrogatories dated 02/06/06.....	1
Plaintiff's Claim Chart - 04/03/06.....	2
Letter to Chris Campbell from Tony Zeuli dated 04/19/06 .....	3
Letter to Tony Zeuli from Chris Campbell dated 05/05/06 .....	4
Letter to Chris Campbell from Keith Sorge dated 06/23/06.....	5
Plaintiff's First Supplemental Answers to Defendant's First Set of Interrogatories dated 07/17/06.....	6
Deposition transcript of David Price dated 08/31/06.....	7
[REDACTED] .....	8
[REDACTED] .....	9
[REDACTED] .....	10
Deposition transcript of Randal Knurr dated 11/15/06.....	11
Amended Notice of Videotaped Deposition and Request for Designations of Persons to Testify Under Fed.R.Civ.P. 30(b)(6) dated 9/29/06 .....	12
Plaintiff's Objections to Defendant's Amended Notice of Rule 30(b)(6) Deposition dated 10/04/06 .....	13
Order Construing the Terms of U.S. Patent Nos. 6,047,530; 6,336,311; and 6,336,312 dated 10/20/06.....	14
Plaintiff's Second Supplemental Answers to Defendant's First Set of Interrogatories dated 09/15/06 .....	15
[REDACTED] .....	16
Deposition transcript of Tom Middlesworth dated 02/27/07.....	17
Deposition transcript of John Nunes dated 03/14/07 .....	18

Deposition transcript of Mark Wegner dated 02/26/07 .....	19
Plaintiff's Third Supplemental Answers to Defendant's First Set of Interrogatories dated 02/27/07 .....	20
Amended Initial Disclosures of Plaintiff Textron Innovations Inc. Pursuant to Fed.R.Civ.P.26(a)(1) dated 02/27/07 .....	21
[Proposed] Scheduling Order dated 02/06/06 .....	22
Tammy Wright v. Timothy J. Touhy - 2003 U.S. Dist. LEXIS 19167.....	23
Letter to Honorable Gregory Sleet from Richard Horwitz dted 12/07/06 .....	24
.....	25
Expert Report of Harry F. Manbeck, Jr. dated 01/26/07 .....	26
Revlon Consumer Products Corporation v. L'Oreal S.A., Cosmair, Inc., Maybelline, Inc. and Maybelline Sales, Inc. - 1997 U.S. Dist LEXIS 4117 .....	27
Rebuttal Report of Harry F. Manbeck, Jr. .....	28
Defendant's First Set of Requests for Production of Documents and things to Plaintiff dated 01/06/06 .....	29
Toro's Prior Art Statement .....	30
Letter to David Young from Thomas Leach dated 09/21/06.....	31
Letter to David Young from Tony Zeuli dated 10/31/06.....	32
Letter to Scott Robertson from Tony Zeuli dated 11/03/06.....	33
Letter to Scott Robertson from Tony Zeuli dated 12/20/06.....	34
Letter to Scott Robertson from Tony Zeuli dated 01/05/07.....	35
Telephone Conference Transcript dated 11/09/06.....	36
Telephone Conference Transcript dated 01/11/07 .....	37
Plaintiff Textron Innovations, Inc.'s Objections and Responses to Second Set of Requests for Production of Documents and Things dated 10/23/06.....	38

Plaintiff Textron Innovations Inc.'s Objections to Defendant The Toro Company's Second Set of Interrogatories dated 01/19/07 .....	39
Bob Krick - Europe 9/95 - CHD 013064.....	40
[REDACTED] .....	41
Letter to Chris Campbell from Thomas Leach dated 01/12/07 .....	42
Deposition Transcript of David Crawforth dated 11/28/06.....	43
Statement of Richard Garwood dated 02/02/07.....	44
Letter to Scott Robertson from Tony Zeuli dated 02/09/07.....	45
Letter to Scott Robertson from Tony Zeuli dated 02/19/07.....	46
Letter to Honorable Gregory Sleet from David Moore dated 02/23/07.....	47
[REDACTED] .....	48
Photos of Risboro Turf.....	49
Photos of Risboro Turf.....	50
Intentionally Left Blank.....	51
Email to Edmond Johnson from David Moore dated 02/12/07 .....	52
Email to David Moore from Edmond Johnson dated 02/14/07 .....	53
[REDACTED] .....	54
[REDACTED] .....	55
[REDACTED] .....	56
[REDACTED] .....	57
[REDACTED] .....	58
Marking Chart.....	59
Oreck Holdings, L.L.C. v. Minuteman International, Inc. - 2003 U.S. Dist. LEXIS 20114 .....	60

[REDACTED]	.....61
Notice of Recordation and Assignment .....	62
[REDACTED]	.....63
U.S. Patent No. 6,047,530.....	64
U.S. Patent No. 6,336,311.....	65
U.S. Patent No. 6,336,312.....	66
Letter to Honorable Gregory Sleet from Peter Ladig dated 12/07/06 .....	67
U.S. Patent No. 6,470,663.....	68
U.S. Patent No. 6,484,481.....	69

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Earl D. Reiland  
 Anthony R. Zeuli  
 Thomas R. Johnson  
 Thomas J. Leach  
 MERCHANT & GOULD P.C.  
 3200 IDS Center  
 80 South 8th Street  
 Minneapolis, MN 55402  
 Tel: (612) 332-5300

By: /s/ David E. Moore  
 Richard L. Horwitz  
 David E. Moore  
 Hercules Plaza, 6<sup>th</sup> Floor  
 1313 N. Market Street  
 Wilmington, Delaware 19801  
 Tel: (302) 984-6000  
rhorwitz@potteranderson.com  
dmoore@potteranderson.com

Dated: April 9, 2007

Public Version Dated: April 17, 2007      *Attorneys for Defendant The Toro Company*  
 789624 / 29362

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on April 17, 2007, the attached document was electronically mailed and hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

Edmond D. Johnson  
Thomas H. Kovach  
Pepper Hamilton LLP  
Hercules Plaza, Suite 5100  
1313 North Market Street  
Wilmington, DE 19899-1709  
[Johnsone@pepperlaw.com](mailto:Johnsone@pepperlaw.com)  
[kovacht@pepperlaw.com](mailto:kovacht@pepperlaw.com)

I hereby certify that on April 17, 2007, I have Electronically Mailed and Federal Expressed the documents to the following:

Christopher C. Campbell  
Hunton & Williams LLP  
1900 K Street, N.W.  
Washington, DC 20006-1109  
[srobertson@hunton.com](mailto:srobertson@hunton.com)  
[ccampbell@hunton.com](mailto:ccampbell@hunton.com)  
[mlouey@hunton.com](mailto:mlouey@hunton.com)  
[lmarlatt@hunton.com](mailto:lmarlatt@hunton.com)  
[fmckeon@hunton.com](mailto:fmckeon@hunton.com)  
[dmckim@hunton.com](mailto:dmckim@hunton.com)  
[jalbert@hunton.com](mailto:jalbert@hunton.com)  
[rking@hunton.com](mailto:rking@hunton.com)

David Young  
Hunton & Williams LLP  
1751 Pinnacle Drive, Suite 1700  
McLean, Virginia 22102  
[mpphelps@hunton.com](mailto:mpphelps@hunton.com)  
[dyoung@hunton.com](mailto:dyoung@hunton.com)

Kurt Niederluecke  
Fredrikson & Byron, P.A.  
200 South Sixth Street  
Suite 4000  
Minneapolis, MN 55402  
[kniederluecke@fredlaw.com](mailto:kniederluecke@fredlaw.com)

By: /s/ David E. Moore  
Richard L. Horwitz  
David E. Moore  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, Delaware 19899-0951  
(302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)